UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED: APRIL 30, 2008
08CV2462 NF
JUDGE MANNING
MAGISTRATE JUDGE NOLAN

UNITED STATES OF AMERICA, Plaintiff, v. FUNDS IN THE AMOUNT OF $550,000 SEIZED FROM NATIONAL CITY BANK ACCOUNT NO. XXXXX4706 HELD IN THE NAME OF BILL ANEST Defendants.	)	No. **JURY TRIAL DEMANDED**

VERIFIED COMPLAINT FOR FORFEITURE

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, for its verified complaint against the above-named defendant property alleges in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure as follows:

1. This complaint for forfeiture is verified by the attached affidavit of Special Agent Henry D. Matson of the Internal Revenue Service ("IRS"), which is fully incorporated herein.

Jurisdiction and Venue

2. This is an *in rem* forfeiture action brought pursuant to Title 31, United States Code, Section 5317(c)(2), for forfeiture of funds in the amount of $550,000 seized from National City Bank account number XXXXX4706 held in the name of Bill Anest ("the National City Bank account") as funds involved in violations of Title 31, United States Code, Sections 5313 and 5324. This court has jurisdiction over this action pursuant to Title 28, United States Code, Sections 1345 and 1355.

3. This court has *in rem* jurisdiction over the defendant property pursuant to Title 28,

United States Code, Sections 1355(b)(1)(A), as certain of the acts giving rise to the forfeiture occurred within the Northern District of Illinois.

4. Venue is proper under 28 U.S.C. § 1395(b) because the defendant funds were found and seized within the Northern District of Illinois and shall remain herein during the pendency of this action.

Specific Allegations

5. Title 31, United States Code, Section 5313(a) and Title 31, Code of Federal Regulations, Section 103.22 require domestic financial institutions to prepare and file with the Internal Revenue Service a Currency Transaction Report (Form 4789) ("CTR") for any transaction involving currency of more than $10,000. Further, Title 31 of the Code of Federal Regulations requires financial institutions to verify and record information relating to the individual involved in the transaction, as well as the entity or person on whose behalf the transaction was to be conducted. Under certain circumstances, failure to file such a report is a violation of federal criminal law. An individual is not permitted to conduct transactions in any manner that is designed to cause the financial institutions to fail to file a CTR 31 U.S.C. § 5324.

6. Structuring is defined in Title 31, Code of Federal Regulations, Section 103.11(gg), which provides, in part, that "a person structures a transaction if that person, acting alone, or in conjunction with, or on behalf of, other persons, conducts or attempts to conduct one or more transactions in currency, in any amount, at one or more financial institution(s), on one or more days, in any manner, for the purpose of evading the CTR reporting requirements. 'In any manner' includes, but is not limited to, the breaking down of a single sum of currency exceeding $10,000 into smaller sums, including sums at or below $10,000."

7. The subject National City Bank account is held in the name of and authorized for use solely by Bill Anest ("Anest"). Anest is a former bank director of First of America Bank Northeast, which was purchased by National City Bank in 1997.

8. From January 3, 2007 through November 8, 2007, fifty-five cash deposits, each in the exact amount of $10,000 and consisting entirely of $100 bills, were made into the National City Bank account. The total of these fifty-five deposits is $550,000. Bank account records reflect that numerous of the deposits were made on consecutive banking days at the same branch of National City Bank located in Graysville, Illinois.

9. The deposits of the $550,000 in currency into the National City Bank account were as follows:

Date	Description	Amount	Type	Location
Wednesday, January 03, 2007	Deposit	$10,000	Cash	Grayslake
Monday, January 08, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, January 11, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, January 17, 2007	Deposit	$10,000	Cash	Grayslake
Friday, January 19, 2007	Deposit	$10,000	Cash	Grayslake
Tuesday, January 23, 2007	Deposit	$10,000	Cash	Grayslake
Monday, February 05, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, February 21, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, February 22, 2007	Deposit	$10,000	Cash	Grayslake
Monday, February 26, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, March 01, 2007	Deposit	$10,000	Cash	Grayslake
Friday, April 20, 2007	Deposit	$10,000	Cash	Grayslake
Monday, April 23, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, April 25, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, April 26, 2007	Deposit	$10,000	Cash	Grayslake
Monday, April 30, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, May 03, 2007	Deposit	$10,000	Cash	Grayslake
Monday, May 07, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, May 09, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, May 10, 2007	Deposit	$10,000	Cash	Grayslake
Monday, May 14, 2007	Deposit	$10,000	Cash	Grayslake
Tuesday, May 15, 2007	Deposit	$10,000	Cash	Grayslake
Friday, May 18, 2007	Deposit	$10,000	Cash	Grayslake
Friday, June 08, 2007	Deposit	$10,000	Cash	Grayslake
Monday, July 02, 2007	Deposit	$10,000	Cash	Grayslake

Monday, July 09, 2007	Deposit	$10,000	Cash	Grayslake
Friday, July 13, 2007	Deposit	$10,000	Cash	Grayslake
Friday, July 27, 2007	Deposit	$10,000	Cash	Grayslake
Friday, August 03, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, August 08, 2007	Deposit	$10,000	Cash	Grayslake
Friday, August 10, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, August 16, 2007	Deposit	$10,000	Cash	Grayslake
Monday, August 27, 2007	Deposit	$10,000	Cash	Grayslake
Tuesday, September 04, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, September 06, 2007	Deposit	$10,000	Cash	Grayslake
Monday, September 10, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, September 13, 2007	Deposit	$10,000	Cash	Grayslake
Friday, September 14, 2007	Deposit	$10,000	Cash	Grayslake
Monday, September 17, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, September 20, 2007	Deposit	$10,000	Cash	Grayslake
Monday, September 24, 2007	Deposit	$10,000	Cash	Grayslake
Tuesday, October 02, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, October 03, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, October 10, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, October 11, 2007	Deposit	$10,000	Cash	Grayslake
Monday, October 15, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, October 17, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, October 18, 2007	Deposit	$10,000	Cash	Grayslake
Monday, October 22, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, October 25, 2007	Deposit	$10,000	Cash	Grayslake
Monday, October 29, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, October 31, 2007	Deposit	$10,000	Cash	Grayslake
Friday, November 02, 2007	Deposit	$10,000	Cash	Grayslake
Wednesday, November 07, 2007	Deposit	$10,000	Cash	Grayslake
Thursday, November 08, 2007	Deposit	$10,000	Cash	Grayslake
Total amount of cash deposited		**$550,000.00**		

10. Additionally, bank records reflect similar structured deposit activity prior to the period detailed above. Specifically, during the period of June 3, 2003, through December 31, 2006, a total of 133 cash deposits each in the amount of $10,000 totaling $1,330,000 were made into the National City Bank account at the Grayslake, Illinois branch. Account records further reflect that numerous of those deposits were made on consecutive banking days.

11. The above described deposits were made by account holder Bill Anest in the form of strapped $10,000 cash bundles at least once or twice a week.

12. For the reasons stated herein and in the attached affidavit, incorporated by reference herein, funds in the amount of $550,000 seized from National City Bank account number XXXXX4706 held in the name of Bill Anest were involved in violations of 31 U.S.C. §§ 5313 and 5324, and are therefore subject to forfeiture and condemnation pursuant to 31 U.S.C. § 5317(c).

WHEREFORE, the United States of America requests:

A. That the defendant funds be proceeded against for forfeiture and condemnation, that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed;

B. That the court adjudge and decree that the defendant funds be forfeit to the United States and disposed of according to law; and

C. The United States requests that any trial be before a jury.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I. Henry D. Matson, being duly sworn on oath, deposes and states as follows:

1. I am a Special Agent with the United States Internal Revenue Service - Criminal Investigation Division ("IRS-CID"). My responsibilities include the investigation of possible violations of the Bank Secrecy Act (31 U.S.C. Section 5311, *et seq.*); the Money Laundering Control Act (18 U.S.C. Sections 1956 and 1957); and other related offenses.

I have been a Special Agent since June 1984. As a Special Agent, my responsibilities include and I have participated in the investigation of violations of the Bank Secrecy Act (Title 31, United States Code, Section 5311, *et seq.*) and the Money Laundering Control Act (Title 18, United States Code, Sections 1956 and 1957). I have received specialized training regarding the investigation of various financial offenses and am familiar with some of the techniques used by individuals to avoid cash reporting obligations.

2. I have read the complaint in this matter and the facts alleged are true and correct to the best of my knowledge and belief based upon my own personal knowledge as well as information I have received from other agents, persons and documents, and it does not include each and every fact known to me concerning this investigation.

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

HENRY D. MATSON
Special Agent
Internal Revenue Service